

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

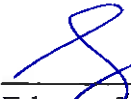
Gary D. Hammond,	:	
Plaintiff	:	Civil Action 2:09-cv-305
v.	:	Judge Sargus
U.S. Attorney Jeffrey A. Taylor, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

ORDER

Plaintiff Gary Hammond brings this action which continues to challenge his May 21, 2008 arrest by Crooksville Police despite the dismissal of his earlier lawsuit--*Gary D. Hammond v. Village of Crooksville, et al.*, 2:08-cv-541--that alleged the arrest was unlawful. This matter is before the Court on Magistrate Judge Abel's April 24, 2009 Report and Recommendation that this case be dismissed on initial screening because it does not allege a claim cognizable under 42 U.S.C. § 1983. No objections were filed to the Report and Recommendation.

Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation. Plaintiff brings this action seeking to challenge the judgment entered April 7, 2007 against him in *Gary D. Hammond v. Village of Crooksville, et al.*, 2:08-cv-541. He did not appeal that ruling. Instead, he filed the complaint in this case. As the Magistrate Judge stated, Hammond's remedy, if any, was to appeal the judgment in 2:08-cv-541. This action is hereby

DISMISSED. The Clerk of Court is **DIRECTED** to enter **JUDGMENT** dismissing this action for failure to state a claim.

 7-30-2009

Edmund A. Sargus, Jr.
United States District Judge